IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 2400 of 2005**

Between:

Sri Mohd. Abdul Jaleel Siddiqui, S/o Abdul Khadar,
R/o 1-5-30, New Town, Mahaboobnagar.

**..... PETITIONER**

AND

The Municipal Commissioner, Mahaboobnagar Municipality,
Mahaboobnagar District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in not receiving the application for grant of trade licence and not issuing the trade licence for running of a Xerox Centre and General Goods in the land belonging into the petitioner situated at Sy.No. 34 , Mahaboobnagar, as arbitrary, illegal and void abinitio besides violative of Article 19(1) (g), 21 of Constitution of India besides violative of principles of natural justice and consequentially direct the respondent herein to receive the application for grant of trade licence to the petitioner for running of Xerox Centre and General Goods at the petitioner's temporary premises/tin shed and pass such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

**Counsel for the Petitioner:MR.J.ASHVINI KUMAR**

**Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA standing counsel for Municipality.**

**The Court at the admission stage made the following :**

**O R D E R:**

The petitioner claims to be the owner and possessor of the land admeasuring 96.38 sq. yards, situated at Mahaboobnagar, wherein, he has been running a small cycle taxi. It is stated that the petitioner wanted to establish a Xerox centre and General Goods in the said premises and for the said purpose, he made an application before the respondent-Municipality requesting for grant of necessary trade licence. It is alleged that in view of certain civil cases earlier filed by the petitioner against the respondent Municipality, the staff of the Municipality were prejudiced and consequently they have been refusing to receive the application made by the petitioner requesting for grant of trade licence. Hence, this writ petition seeking a declaration that the said action of the respondent in not receiving the application of the petitioner is arbitrary and illegal.

Under Section 263 of the A.P. Municipalities Act (for short 'the Act') any person who intends to use any place within the Municipal limits or at a distance within 3 KM of such limits for any purpose specified in Schedule-IV to the Act is required to obtain a licence from the Commissioner of the concerned Municipality. In the light of the said statutory provision, whenever an application is made for such licence, the Commissioner being the Statutory Authority is bound to consider the same and pass appropriate orders in accordance with law.

Accordingly, without expressing any opinion with regard to the entitlement of the petitioner for grant of licence as sought for, the writ petition is disposed of with a direction to the respondent-municipality to receive and consider the application made by the petitioner for grant of licence in terms of Section 263 of the Act, and to pass appropriate orders in accordance with law. If any such application is made by the petitioner within two weeks from to-day the same shall be received and appropriate orders be passed in accordance with law within a period of two weeks thereafter. No costs.

14-02-2005 G.ROHINI, J

Note: CC by one week

**B/o Mjl**

To

1. The Municipal Commissioner, Mahaboobnagar Municipality,
   Mahaboobnagar District.

**2. 2 CD copies.**